

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEBRA HURST,)	
)	CASE NO. 5:11CV00667
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
ESTATE OF PETRO ZIRIADA, <i>et al.</i> ,)	
)	
Defendants.)	ORDER [Resolving ECF No. 38]

This action arises from a motor vehicle accident in which Plaintiff Debra Hurst was injured when the tractor-trailer she was operating collided with a Ford Explorer operated by Petro Ziriada. Plaintiff filed a complaint alleging negligence on the part of Ziriada, as well as Tee Max Automotive (“Tee Max”), the alleged owner of the Ford Explorer, and LG Auto Sales (“LG Auto”), the alleged owner of the tow dolly attached to the Ford Explorer. [ECF No. 1](#). Plaintiff also asserted the subrogation rights of her employer, Schneider National Carriers, Inc. (“Schneider”), averring that Schneider may claim subrogation with respect to workers’ compensation benefits and other expenses that Schneider paid to Plaintiff. [ECF No. 1 at 6-7](#). Subsequently, Schneider filed a Cross-Claim asserting its entitlement to subrogation, as well as its own claims of negligence against Ziriada, Tee Max, and LG Auto, for the damages caused to the tractor-trailer driven by Plaintiff and owned by Schneider. [ECF No. 3](#).

Presently before the Court is the LG Auto’s Motion for Summary Judgment. [ECF No. 38](#). LG Auto argues that it is entitled to summary judgment with respect to the various claims asserted

(5:11CV00667)

against it by Plaintiff and Schneider. [ECF No. 38](#). Having been referred this matter for general pretrial supervision, *see* [ECF No. 8](#), Magistrate Judge George Limbert issued a Report and Recommendation in accordance with [28 U.S.C. § 636](#). The magistrate judge, after reviewing the briefs, the record, and the applicable law, recommended that LG Auto's Motion for Summary Judgment should be granted in its entirety. [ECF No. 42](#).

[28 U.S.C. § 636](#) provides that a party may serve and file specific written objections within fourteen days after being served with the recommendations of the magistrate judge. Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145, 106 S. Ct. 466, 88 L. Ed. 2d \(1986\)](#). Moreover, 28 U.S.C. § 636 does not require a district judge to review a magistrate judge's report to which no objections are filed. *Id.* at 149.

The Report and Recommendation was issued and filed on April 30, 2013. [ECF No. 42](#). Although the cutoff for Plaintiff and Schneider to file written objections was May 14, 2013, no objections have been filed,¹ evidencing their agreement with the magistrate judge's recommendation. While any further review by this Court might be considered a duplicative and inefficient use of the Court's resources; *see* [Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 \(6th Cir. 1991\)](#); the Court, out of an abundance of caution, did review the Report and Recommendation. The Court finds that the Report and Recommendation is supported by the record and agrees with the magistrate judge's recommendation.

Accordingly, the Court adopts the Report and Recommendation in its entirety. All of

¹ The docket reflects that both Plaintiff and Schneider are represented by counsel.

(5:11CV00667)

Plaintiff's and Schneider's causes of action against LG Auto are hereby dismissed. This action will proceed against Ziriada and Tee Max only.

IT IS SO ORDERED.

May 15, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge